

FILED '09 DEC 18 11:00 USDC-ORM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAN HUTCHINSON,

Plaintiff,

Civ. No. 08-997-CL

v.

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration,

Defendant.

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. I find no error. Accordingly, I ADOPT the Report and Recommendation of Magistrate

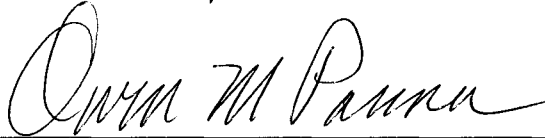
Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#26) is adopted. Pursuant to sentence four of 42 U.S.C. § 405(g), defendant's motion to remand (#23) is granted in part, and the decision of the Commissioner is reversed and remanded for an award of benefits.

IT IS SO ORDERED.

DATED this 17 day of December, 2009.

A handwritten signature in black ink, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE